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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,786

06/13/2006

Peter Alex

5284-0006WOUS

3723

35301

7590

08/27/2009

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EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

08/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Alex et al.

Regarding claim 14, the Alex et al. discloses a dispensing apparatus (1) (see Figure 6) configurable in fluid communication with a supply container (CL) for dispensing a fluid therefrom, said dispensing apparatus comprising:

a **fluid passage** (11) comprising:

an **inlet** (9);

an **outlet** (10); and

an **orifice** (defined within pump body 8) configurable to provide fluid communication between said inlet and said outlet;

a **sealing member** (19) (biased to a closed position that prevents a flow between said inlet and said outlet, and movable to allow said flow in an open position; see Figures 3 and 4); and a **deformable envelope** (4) defining a space, operatively associated with

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said inlet, and configurable to receive said fluid from said supply container by action of a pressure differential between said supply container and said space (see col. 5).

Regarding claim 15, wherein movement of said sealing member and deformation of said envelope is achieved using an **actuating means** (5).

Regarding claim 16, wherein said actuating means is configured to move said sealing member to said open position and to contract said space, in concert (see Figure 4).

Regarding claim 17, wherein said orifice is defined by a **valve seat** (21; see Figures 3 and 4), and said sealing member is biased into a sealing engagement with said valve seat in said closed position (see Figure 3).

Regarding claim 18, wherein said pressure differential between said supply container and said space occurs by a reduction in pressure within said space relative to said supply container, created by a contraction and a subsequent expansion of said space using said actuating means (see col. 5).

Regarding claim 19, wherein said **envelope** (4) is resilient (inherent to the bellows).

Regarding claim 20, wherein said space is operatively coupled to said supply container by a **flexible hose** (11).

Regarding claims 21 and 23, further comprising a **first valve means** (defined by flapper 15) configured to allow unidirectional flow from said space to said inlet.

Regarding claims 22 and 23, further comprising a **second valve means** (defined by flapper 16) configured to allow unidirectional flow from said supply container to said space.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 7:00-5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/
Primary Examiner
Art Unit 3751

8/24/09